

COURT NO.2

THE HIGH COURT OF UTTARANCHAL AT NAINITAL.
WRIT PETITION NO. 966 OF 2004 (M/S)

Peetamber Dutt. ... **Petitioners.**

Versus

State of Uttarakhand through
Collector Almora & another. ... **Respondents.**

**Sri J.C.Pandey, Advocate,learned counsel for the petitioner.
Learned Standing Counsel for the State-respondents.**

Hon'ble B.S.Verma, J.

This Writ petition has been preferred under Article 226 of the Constitution of India against the notice, dated 24-06-2004 under Section 4(1) of the U.P. Public Premises (Eviction of Unauthorised Occupants) Act, 1972, issued to the petitioner by the Prescribed Authority/Sub Divisional Officer, Ranikhet, Almora, to show cause as to why he be not evicted from the plots mentioned in the impugned notice.

The petitioner has relied upon the judgment and decree dated 13-02-1997, passed by the Civil Judge (Jr.Div.) Ranikhet in Civil Suit No. 15 of 1993, and he has alleged that the title over the property in dispute has been decided in favour of the petitioner.

In my opinion, the Writ Petition under Article 226 of the Constitution of India is not maintainable against the notice, dated 24-06.2004 issued by the Prescribed Authority/S.D.O. Ranikhet. As such the Writ Petition is dismissed in-limine. However, the petitioner may file objections against the notice before the Prescribed Authority and the Prescribed Authority concerned may consider the judgment passed by the Civil Judge (Jr.Div.) Ranikhet, while disposing of the objection of the petitioner along with the impugned notice.

(B.S.Verma, J.)

06-10-2004

RCP